

AGENDA ITEM #7

May 11, 2001

To: Delta Protection Commission
From: Lori Clamurro and Karen Morais, Delta Protection Commission Staff
Subject: Legislative Update

The first year of the 2001-2002 legislative session began on December 4, 2000, and will run through September 14, 2001. With the exception of urgency measures, February 23, 2001 was the last day for bills to be introduced for consideration during this first year of the legislative session.

All bills that do not pass their house of origin by June 8, 2001 will become 'two-year' bills. The Legislature places many deadlines for bills in various committees; however, they are dates set by Joint Rules and, therefore, subject to change by legislative vote. California's Annual Budget deadline is June 15, which is established in the California Constitution and not subject to change (*however, it has missed this date from time to time!*).

This memo includes bills of potential interest to the Delta Protection Commission. One of these bills was approved by the Governor May 7; SB 23, Costa, which will make \$135 million in state funds available to carry out key projects in the CALFED Bay-Delta Program. The press release is attached which explains the fund breakdown.

WATER

AB 776: Thomson: WATER MANAGEMENT ACTIONS

This bill addresses the State Water Resources Control Board's 1995 Bay Delta-Water Quality Control Plan relating to water quality standards in the San Francisco Bay/Sacramento-San Joaquin Delta. This bill is sponsored by the Northern California Water Agency and is a reintroduction of a bill from last legislative session. It will probably become a two-year bill with further amendments

STATUS: Passed Assembly Committee on Water, Parks, & Wildlife (12-0): Assembly Third Reading, 5/9/01.

SB 868: Costa: WATER BOND ACT OF 2001: WATER RESOURCES

This bill would enact the Water Bond Act of 2001, which would authorize the issuance of bonds for the purposes of financing a clean, reliable water supply and drought year water supply infrastructure program. No specified amount of money included in the bill language.

STATUS: Referred to Senate Committee on Agriculture & Water Resources 3/15/01. No hearing date set.

SB 1107: Alarcon: WATER QUALITY: TOTAL MAXIMUM DAILY LOADS

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards. This bill would enact a pilot program to assist local governments to comply with requirements relating to total maximum daily loads.

STATUS: Referred to Senate Committee on Rules 3/15/01. No hearing date set.

ENVIRONMENT

AB 537: Canciamilla: SAN FRANCISCO BAY DELTA

This bill would state the findings and declarations of the Legislature that the Delta is becoming increasingly congested with nonnative water plant life and abandoned unseaworthy vessels. The bill would state the intent of the Legislature to enact programs to remove these obstacles from the navigable waterways.

STATUS: Introduced in Assembly 2/22/01. No hearing committee/date set.

SB 550: Costa: ENDANGERED SPECIES

Under existing law, until December 31, 2002, the accidental take of candidate, threatened, or endangered species on a farm or ranch is not prohibited by the California Endangered Species Act under specified circumstances. This bill would continue that exception to the Act by deleting the termination date.

STATUS: Senate Committee on Natural Resources & Wildlife, 5/8/01. Hearing cancelled at request of author. Hearing date pending.

SB 727: Costa: ENVIRONMENTAL WATER ACCOUNT ACT OF 2001

This bill would enact the Environmental Water Account Act of 2001. The bill would authorize the Department of Water Resources to develop and implement the Environmental Water Account Program to provide water for the protection and recovery of fish in a manner that exceeds the protections provided by the regulatory baseline, as defined. The bill would require that water acquired for the program be used to provide water directly for fish; protection of recovery or for compensating water users for reduced water deliveries due to changes in project operation for fish protection or recovery that exceed the regulatory baseline.

STATUS: Senate Committee on Agriculture & Water Resources, 4/24/01. Hearing postponed by committee. Hearing date pending.

SB200: Chesbro: Federal Navigation (dredging) Projects

This bill would appropriate \$40 million, create the Federal Navigation Project Fund and would require that all state funds appropriated for the purposes of federal navigation projects authorized pursuant to the federal Water Resources Development Act be deposited in that fund. The bill would authorize the Secretary of Business, Transportation and Housing to allocate moneys in the fund, if the Secretary finds that the allocation is in the best interests of the state, to local governmental entities to provide matching funds for those federal navigation projects in an amount not to exceed 50% of the amount contributed by those entities for those projects.

STATUS: Passed Senate Natural Resources and Wildlife (12-0). Referred to Senate Appropriations Committee Suspense.

SB 1108: Ortiz: WATER HYACINTH

This bill would declare the intent of the Legislature to enact legislation prohibiting the sale, transport, export, import, or planting of water hyacinth.

STATUS: Senate Committee on Rules 3/15/01. Hearing date pending.

AGRICULTURE

AB 52: Wiggins: FARMLAND PROTECTION AND URBAN INFILL HOUSING BOND ACT OF 2002

This bill establishes the California Farmland Conservation Bond Act of 2002 (Bond Act), allocating an unspecified amount to finance a program for the acquisition, development, improvement, and protection of farmlands in California.

STATUS: Passed Assembly Committee on Agriculture (9-2). Passed Natural Resources Committee (8-2). Referred to Assembly Appropriations Committee. Hearing date pending.

AB 1332: Cardoza: AGRICULTURAL COMMODITIES

This bill would authorize the CA Dept. of Food and Agriculture, in consultation with the agriculture industry, to develop programs to promote California-grown agricultural products through the use of marketing licenses, trademarks, nutrition education, and related activities.

STATUS: Assembly Committee on Agriculture. Hearing canceled at author's request.

SB 1009: Costa: AGRICULTURE

This bill would create the Dairy Environmental Working Group in the Department of Food and Agriculture. The Dairy Environmental Working Group would consult with the California Environmental Protection Agency to develop a list of economically feasible measures for mitigating the impact of dairy farming on water and air quality. This bill would also appropriate \$500,000,000 from the General Fund to the State Water Resources Control Board to provide low interest loans to local public agencies to finance the construction of projects designed to manage nutrients from animal feeding operations, as specified. Local agencies, in turn, would be required to make low interest loans to individual animal feeding operations for projects.

STATUS: Passed Senate Committee on Environmental Quality (6-0): Referred to Senate Appropriations Committee. Hearing date pending.

AB 7: Cardoza: FARM EQUIPMENT; TAXES

This bill would exempt farm equipment and machinery from state sales and use tax.. The bill would: 1) Provide a 4-3/4% General Fund sales and use tax exemption for farm equipment and machinery and the parts thereof that are used to produce and harvest agricultural products; 2) Become operative on the first day of the first calendar quarter commencing more than 90 days after the bill's enactment.

STATUS: Passed Assembly Revenue and Taxation Committee (7-0). Referred to Assembly Appropriations Committee. Hearing set 5/9/01.

AB 801: Salinas: CALIFORNIA PRODUCE SALES

Requires state owned and operated institutions to purchase California products as long as specified criteria are met regarding the price, and requires the Secretary of the California Department of Food and Agriculture (CDFA) to produce an annual report to evaluate the effectiveness and adherence to these provisions. This bill requires California state owned or state institutions to purchase agricultural products grown in California before those grown outside the state if specified criteria are met: requires the Secretary of CDFA to submit an annual report to the Legislature: and, states if price, fitness and quality are equal between California goods and out of state products, California products shall always be preferred by any body, officer, or other person charged with purchasing for use of the state.

STATUS: Passed Assembly Agriculture Committee (14-0). Referred to Assembly Appropriations Committee. Hearing date pending.

RECREATION

AB 107: Nation: VESSELS: WRECKS AND WRECKED PROPERTY

Existing law requires that wrecked property must be returned to the owner, or sold if unclaimed, within 90 days after saving the wrecked property; this bill would reduce that time period to 45 days. Existing law authorizes the sale of any derelict vessel allowed to remain in an unseaworthy condition on lands within a public entity's jurisdiction for a period of longer than 30 days; this bill would reduce that time period to 14 days. This bill would also authorize removal and storage of a vessel removed from a public waterway when the vessel is illegally moored or docked on public property for more than 72 hours.

STATUS: Assembly Floor 48-21: Referred to Senate Judiciary Committee. Hearing date pending.

AB 759: Shelley: PERSONAL WATERCRAFT: BANS

This bill would authorize any city, county, or city and county to adopt an ordinance to ban the use of personal watercraft in any navigable water within its jurisdiction.

STATUS: Passed Assembly Transportation Committee (10-9). This is a non fiscal item and will move directly to Assembly Floor. Hearing date pending.

AB 1410: Hollingsworth: VESSELS: USE PROHIBITIONS

This bill would require the Department of Boating and Waterways to withhold numbering fees, sales taxes, and property taxes derived from types of undocumented vessels from counties and cities that prohibit use of those types of vessels. The bill would also prohibit grants to be made to those counties for public launch ramps or boating facilities.

STATUS: Assembly Committees on Transportation and Local Government. No hearing date set.

SB 196: Chesbro: SAFE PARKS, COASTAL PROTECTION, AND HISTORIC PRESERVATION BOND ACT OF 2002

This bill would authorize this issuance of bonds in the amount of \$2.275 billion for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, coastal, and historical resources. This bond act would be submitted to the voters at the primary election to be held March 5, 2002.

STATUS: Passed Senate Committee on Natural Resources and Wildlife (5-2). Referred to Assembly Appropriations Suspense. Hearing date pending.

AB 995: Morrow: VESSELS: SPECIAL USE AREAS

Existing law requires generally that any ordinance, law, regulation, or rule adopted by certain state or local entities relating to vessels pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control. Existing law defines "special-use area" for this purpose as all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities. This bill would prohibit state or local entities from adopting any ordinance, law, regulation, or

rule that would allow special-use areas to be used in a manner that interferes with boating access to channels, shipping lanes, or international waters.

STATUS: Senate Committee on Natural Resources and Wildlife 4/2/01. Hearing cancelled at the request of author. Hearing date pending.

LAND USE

AB 1540: Strickland: OPEN-SPACE LANDS

This bill would provide that any action by a county or city to set aside or dedicate open-space land and to establish any related easement or other benefit shall not become effective until approved by 2/3 of the voters voting on the issue in the county or city in which the land is situated.

STATUS: Referred to Assembly Committee on Local Government. Hearing date pending.

AB 1637: Dickerson: FARMLAND: PUBLIC ACQUISITION

This bill would require a city, county, or city and county to immediately notify, as specified, the Secretary of Food and Agriculture and the Director of the Department of Conservation when agricultural land is acquired for a nonagricultural purpose.

STATUS: Passed Assembly Committee on Agriculture (14-0). Passed Committee on Natural Resources (11-0). Referred to Assembly Appropriations Committee. Hearing date pending.

ACA 8: Keeley: CALIFORNIA WATER AND LAND PROTECTION TRUST FUND

This measure would create the California Water and Land Protection Trust Fund in the State Treasury; it would prohibit any of the principal in the trust fund from being appropriated or expended. It would authorize the income generated by the trust fund to be used, pursuant to an appropriation by the Legislature, for the acquisition, operation, maintenance, restoration, and enhancement of land for habitat for native fish and wildlife and natural communities, agricultural land, scenic open space, and park and recreation areas. The land thus acquired would include uplands, wetlands, rivers, streams, naturally occurring bodies of water, and lands that protect the quality of adjacent water recreation areas.

STATUS: Passed Assembly Committee on Water, Parks & Wildlife (9-5). Referred to Committee on Natural Resources 5/14/01.

FLOOD RELIEF/LEVEES

AB 782: Thomson: FLOOD CONTROL

Existing law requires the State to pay 50% of certain nonfederal costs related to specified flood control projects authorized on or after January 1, 2002, and to certain flood management projects, and authorizes that State share to be increased, if the Department of Water Resources or the Reclamation Board makes certain determinations. This bill would, in addition, authorize that State share to be increased for those described flood control projects if those projects increase the level of flood protection, or maintain the structural integrity of levees, channels, or other features, in a manner that provides benefits to an area that exceeds the jurisdiction of the responsible agency.

STATUS: Passed Assembly Water, Parks and Wildlife Committee (13-0). Referred to Assembly Appropriations Committee Suspense. Hearing date pending.

AGENCIES

AB 862: Thomson: FEDERAL NAVIGATION PROJECTS: PORT OF SACRAMENTO: LOCAL MATCHING SHARE

This bill would appropriate \$16 million from the General Fund to the Department of Boating and Waterways for allocation to the Port of Sacramento in fiscal year 2001-02 for the purpose of meeting local matching share requirements for federal navigation projects.

STATUS: Passed Assembly Natural Resources Committee (10-0). Referred to Assembly Appropriations Suspense. Hearing date pending.

AB 1414: Dickerson: PUBLIC LANDS

This bill would require the Department of Fish and Game and the Department of Parks and Recreation to prepare land management plans for all of their existing properties, which would describe their goals and strategies for managing the land and would identify and describe both ongoing and any necessary restoration, rehabilitation, and improvement projects for the land. The bill would require those departments to prepare and complete land management plans for all existing properties before they acquire additional property for the purpose of ecosystem restoration and wildlife habitat preservation. This bill would provide that the Governor's Office of Planning and Research is the coordinating agency for all state agencies, boards, and programs with authority either to acquire or fund the acquisition of land for ecosystem restoration and wildlife habitat preservation, and would impose duties on the office in that regard.

STATUS: Passed Water Parks and Wildlife Committee (8-2); Passed Assembly Committee on Natural Resources (10-0). Referred to Assembly Appropriations Committee. Hearing date pending.

SB 23: Costa: CALFED FUNDS

The Budget Act of 2000 appropriates \$125 million to the Department of Water Resources for the implementation of the CALFED Record of Decision (ROD), and prohibits expenditure of those funds until a statute is enacted certifying that the projects and activities for which the funds are expended are consistent with a prescribed environmental document. This bill certified that the programs and projects described in the ROD are consistent with CALFED's final environmental document, and that the appropriated funds are eligible for expenditure.

STATUS: FINAL VOTES: Assembly 57-10; Senate 29-6.

APPROVED BY THE GOVERNOR 5/6/01.

SB 1115: Costa: THE CALFED BAY-DELTA PROGRAM

Under existing law, certain state and federal agencies with management and regulatory responsibilities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary participate in the CALFED Bay-Delta Program for the purposes of improving ecosystem quality, water supply reliability, water quality, and the integrity of the levees and channels in the bay-delta. This bill would create in the Resources Agency a CALFED Bay-Delta Commission to manage the implementation of the CALFED Bay-Delta Program, as specified.

STATUS: Senate Committee on Agriculture and Water Resources 4/17/01. Hearing postponed by committee. Hearing date pending.